

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA
Plaintiff
v.
WAYLAN GRAVES,
Defendant

NO. CR 23-5287 DGE

Defendant Graves' Unopposed
Motion to Continue Trial and PTM
Deadline

Noting Date: October 31, 2023

Motion

Waylan Graves moves the Court to continue the trial in this case to sometime on or before June 30, 2024 and adjust the Pretrial Motions Deadline accordingly.

This motion is Mr. Graves first request to continue. Mr. Brennan shared this motion with AUSA Conzatti prior to filing and she advised the Government has no opposition to the same.

Facts

The 10/11/23 Indictment charges Mr. Graves with two sets of nearly identical drug/gun related charges in June 2023 and September 2023. In both instances, the Government alleges that he possessed controlled substances (including

1 methamphetamine, fentanyl, etc.) with intent to distribute, and possessed a firearm in
2 furtherance of the same. See 18 USC 841(b)(1)(A-C) and 18 USC 924(c). The
3 Government maintains that the drug counts carry a mandatory 10-year term (Count
4 I), and a mandatory 5-year term (Count III) and the firearm counts carry a mandatory
5 consecutive term of 5 years (Counts II and IV). The Government moved for
6 detention and on 10/30/23 United States Magistrate Fricke held a hearing and
7 detained Mr. Graves. The current trial date is December 11, 2023.

8
9 The Government advises that it will be producing discovery shortly, some of
10 which will be subject to a Protective Order. The Government also advises that this
11 case may be related to a number of other cases and that the discovery will include
12 not only Mr. Graves case but also these other cases. The evidence will include
13 wiretaps, as well as police reports, etc.

14 Discussion

15 The Speedy Trial Act provides that trial is to commence within 70 days from
16 the filing date (and making public) of the indictment, or from the date the defendant
17 has appeared before a judicial officer of the court in which such charge is pending,
18 whichever date last occurs. 18 U.S.C. § 3161(c)(1). This clock is paused (and the
19 time excluded), however, if the Court grants a request by the Defendant to continue
20 the trial and finds that the ends of justice will be served by taking such action and
21 outweigh the best interest of the public and the defendant in a speedy trial. Before
22

1 reaching this conclusion, the Court must articulate the reasons for doing so. 18
2 U.S.C. § 3161(h)(7)(A). Factors to consider include whether the failure to grant such
3 a continuance would result in a miscarriage of justice, whether the failure to grant the
4 continuance would deny counsel for the defendant the reasonable time necessary for
5 effective preparation, and whether the defendant has demonstrated due diligence in
6 preparing his defense. 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

7
8 In the instant case, each of these situations applies. Defense counsel needs
9 more time to meet with Mr. Graves and review the discovery with him once it has
10 been produced. This is especially true since it includes protected material that will
11 take greater time to review given the restrictions on the same. This case includes
12 two separate incidents joined into one case, indicating that a review of the discovery
13 may take longer than the typical case. Moreover, it includes discovery from related
14 cases, as well as wiretap material, which will take considerable time to review.
15 Finally, Mr. Graves faces considerable prison time if convicted in this case and feels
16 he needs more time to consider his options/strategies.

17 Accordingly, Mr. Graves asks the Court to continue his trial and adjust the
18 pretrial motions deadline accordingly. Respectfully submitted this date.

19
20 By: /s/Phil Brennan_____
21 Phil Brennan
22 Natalie Findley-Wolf
23 Attorneys for Mr. Graves; Date: 10/31/23